

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) | Criminal Action No.  |
| v.                        | ) | 06-00364-01-CR-W-ODS |
|                           | ) |                      |
| HUGO ALONZO CERVANTES     | ) |                      |
| Defendant.                | ) |                      |

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** On or about July 25, 2006, in the Western District of Missouri and elsewhere, the defendant, HUGO ALONZO CERVANTES, who was an unlawful user of marijuana, a controlled substance, did knowingly, possess in and affecting commerce, a firearm, to wit: a Heritage, Model Stealth 4000, .40 caliber pistol, serial number B03738, which had been transported in interstate commerce.

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: Joseph M. Marquez  
Case Agent: Special Agent Timothy Canon of the ATF  
Defense: Lynn A Davis, III

**OUTSTANDING MOTIONS:** None

**TRIAL WITNESSES:**

Government: 5-6  
Defendant: 5, defendant may testify

**TRIAL EXHIBITS**

Government: 15  
Defendant: 0

**DEFENSES:** General denial

**POSSIBLE DISPOSITION:**

( ) Definitely for trial; (x) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 1- 1 ½ days**

Government's case including jury selection: 1 day

Defense case: 3-4 hours

**STIPULATIONS:** Government counsel will propose a stipulation that the gun was not manufactured in Missouri.

**UNUSUAL QUESTIONS OF LAW:** None.

**FILING DEADLINES:**

**Witness and Exhibit List**

To the extent these items were not filed the Friday before trial as directed, counsel was to file them by Friday, January 26, 2007.

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, February 7, 2007**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine: None filed.**

**TRIAL SETTING:** Criminal jury trial docket commencing February 12, 2007.

**IT IS SO ORDERED.**

\_\_\_\_\_/s/\_\_\_\_\_  
SARAH W. HAYS  
United States Magistrate Judge